

Titling Tips

Special Legislation Edition — August 2006

LEGISLATION CHANGES EFFECTIVE AUGUST 28, 2006

SENATE BILL 892 STANDARDIZES REPOSSESSED TITLE REQUIREMENTS

The new law:

- Requires a Notice of Lien (NOL) to be filed with the department prior to submitting the repo title application, file electronically at <http://dorx.mo.gov/mvdl/motorv/liendeal/>;
- Requires the NOL receipt or original title reflecting the lien to accompany the repo title application;
- Eliminates the requirement to submit the security agreement to the department;
- Eliminates the requirement for the repo applicant/lienholder to pay taxes on vessels, outboard motors, and manufactured homes when the debtor did not pay taxes; and
- Eliminates the department's 10-day notice requirement to the debtor and any subordinate lienholders on these units.

Procedural Changes — All DOR contract offices will begin to accept repo title applications on vessels, outboard motors, and manufactured homes (contract offices already accept repo title applications on vehicles) **received** on or after August 28, 2006. These applications may still be submitted to the Motor Vehicle Bureau, P.O. Box 1008, Jefferson City, MO 65105-1008.

Required Documents — To obtain a repo title under the new law, the lienholder must submit the following documents and fees for all units (motor vehicles, trailers, ATVs, vessels, outboard motors, and manufactured homes):

- ✓ DOR-5005 completed in the lienholder's name, signed, and notarized;

NOTE: Until the revised DOR-5005 is available, the Application for Missouri Watercraft or Outboard Motor Title and Registration (DOR-93) and the newly revised General Affidavit (DOR-768) with a

revision date of 8-2006 must be used for vessels and outboard motors. Item 6 of DOR-768 must be completed, signed, and notarized.

DOR-768 may be downloaded at

<http://dor.mo.gov/mvdl/motorv/forms/>.

- ✓ A copy of the NOL receipt **or** the original title reflecting the lienholder; and
- ✓ A \$10 title fee, \$5 quick title fee (if applicable), and a \$2.50 processing fee.

NOTE: Before making application, the lienholder must provide 10 days written notice to the owner and any other lienholders by first class mail, postage prepaid, of their intent to file for a repo title, or must obtain the written consent from all parties to repossess the unit (notice may be given through the Uniform Commercial Code). Lienholders may access the department's records online to ensure they have notified all interested parties of record. Applications for online access can be obtained at <http://dorx.mo.gov/mvdl/motorv/liendeal/>.



SENATE BILL 778 REVISES BOATING REGISTRATION REQUIREMENTS

The new law:

- Requires a paid personal property tax receipt be presented when purchasing a new or renewal vessel or documented vessel registration.
- Changes the registration fees to:

	New Fee
Under 16 ft in length	\$25
16 ft. – less than 26 ft.	\$55
26 ft. – less than 40 ft.	\$100
40 ft. and over	\$150



SENATE BILL 747 MAKES TRAINING A PREREQUISITE FOR USED MOTOR VEHICLE DEALER APPLICANTS

The new law requires **new** applicants for a **used** motor vehicle dealer license to prove they have

attended a department approved educational seminar within the previous 12 months. This applies to only new applicants who were not licensed prior to August 28, 2006, and it excludes wholesale dealer applicants. The seminar must address dealer laws, rules, and regulations related to titling and licensure. The applicant must submit a seminar completion certificate issued by the seminar course provider with their application for dealer licensure. A list of approved seminar providers may be found at <http://www.dorx.mo.gov/mvdl/motorv/liendeal/seminar/>.

LEGISLATION CHANGES EFFECTIVE JANUARY 1, 2007

SENATE BILL 1233 (2004 session) MAKES ELECTRONIC SALES REPORTING MANDATORY JANUARY 1, 2007

Dealers who sell an average of 20 or more motor vehicles, trailers, all-terrain vehicles, and/or boats per month **must** file their sales reports electronically (Filing electronically eliminates filing paper monthly sales reports (DOR-385) and Notice of Sale (NOS) forms).

Dealers may use one of the two electronic reporting options outlined below:

- **Option 1** — Enter each sale on the department's **Internet NOS Reporting System Application**; or
- **Option 2** — Submit a prescribed file to the department's secure server through Secure HyperText Transfer Protocol (HTTPS). This method is for dealers who use front-end vendor software (or software developed by the dealership) and avoids duplicate entry of the sales data.

Registration — APPLY NOW for electronic sales reporting to avoid the last minute rush. Visit <http://dorx.mo.gov/mvdl/motorv/liendeal/> to obtain an Application For Online Dealer's Monthly Sales Report Filing and additional information about electronic filing, including the file format for Option 2 filers.

Training — The department will offer training on the electronic filing options in Room 492 of the Truman Building at 301 West High Street, Jefferson City, Missouri, on the dates and times listed below.

September 25, at 2:00 P.M. October 18, at 2:00 P.M. November 7, at 2:00 P.M. December 18, at 2:00 P.M.

To register to attend, please email your dealer name/number, number of persons attending and the date of the session to **DEALERLIC@dor.mo.gov**.

Filing Information for:

Option 1 filers please ensure you enter the purchaser's last name followed by their first name.

Option 2 filers please use the following instructions:

- Use the correct sales codes as outlined below:
 - T** = taxable sale to a Missouri resident;
 - O** = sale to an out of state purchaser (dealer or individual); and
 - D** = sale to a Missouri dealer.
- Submit Each Sales File One Time:
Follow the steps below to transfer your HTTPS dealer sales file to the department and file your sales report (at least on a monthly basis) using the department's Internet Notice of Sale (NOS) Application.
- **Step 1:** Click on "Transfer Files" once you have entered your sales records into the HTTPS file. The department retrieves sales records from HTTPS files at 2:00 P.M. every **Wednesday, Friday, and on the 14th of each month** and updates the file that night.
- **Step 2:** Click on "View History" **after the update** and search for one of the sales records you filed to ensure the file updated the NOS system. Please do not submit your file more than one time as this creates duplicate sales records.

If your sales did not update the system properly according to the timeframe noted above, you may contact Tammy Prater at (573) 522-6294 or by e-mail at Tammy.Prater@dor.mo.gov.
- **Step 3:** Click on "File Sales Report" **after the** Wednesday, Friday, or 14th of the month update.

Example: If you click on "Transfer Files" to submit your sales file on Monday, the file will update the department's system Wednesday evening. Do not click on "File Sales Report" until Thursday or later.

NOS Dealer User Manual — For more information on filing your sales electronically or to view the Dealer User Manual please go to www.dorx.mo.gov/mvdl/motorv/liendeal. For telephone inquiries regarding this information, call (573) 751-4509.



FORMS UPDATE

DOR-5086 — SECURE POWER OF ATTORNEY

A new Secure Power of Attorney (ATTACHMENT A) may be used when the vehicle title is not available for a proper assignment on the date of sale, because it is held by the lienholder or because a duplicate title is needed. DOR-5086 will replace the SPOA form, DOR-3020S, once the supply of the old forms is depleted. In the interim, DOR-3020S or DOR-5086 may be used as follows:

1. Part A of DOR-5086 or DOR-3020S:
 - Used when the seller authorizes the purchaser to sign the first title assignment and odometer disclosure on his or her behalf when the title is held by the lienholder or a duplicate title is needed.
 - The date of the POA will become the purchase date on the title assignment.
 - Authorizes the purchaser to apply for a duplicate title on the seller's behalf (Applies to DOR-5086 only—a photocopy of the SPOA is acceptable in this instance).
2. Part B of DOR-5086:
 - Authorizes the selling dealer to sign on behalf of the purchaser on the second assignment when the duplicate title is received, allowing the dealer to sell the vehicle prior to the duplicate title being issued.
 - Part B can only be completed when a duplicate title must be obtained.
3. Part C of DOR-5086:
 - Must be completed by the selling dealer once the duplicate title is received after the dealer inspects the title to ensure the mileage on the duplicate title is consistent with what was recorded on the SPOA.

- The original copy (brown) of DOR-5086 must be attached to the title;
- The carbon copy (blue) of DOR-5086 must be submitted with a copy of the front and back of the corresponding title to the department by the 15th of the month following the month in which the sale occurred (with the dealer's monthly sales report if the report is filed in paper format); and
- A photocopy of DOR-5086 must be retained in the dealership's records.

Dealers may obtain the new DOR-5086 from the Missouri Automobile Dealer's Association (MADA) by ordering online at **www.madastore.com**, by calling (573) 761-1020, or by writing to MADA, P.O. Box 1309, Jefferson City, Missouri 65102. The forms are \$2.55 per package of 25 plus postage. Payment may be made by credit card, C.O.D., or check.

Dealers/individuals may obtain DOR-3020S while supplies last from the department's central office by ordering online at **www.dort.mo.gov/mvdl/formorder/** or by calling (800) 887-3994.

DOR-5005 — Application/Affidavit for Missouri Repossession Title

DOR-5005 will be revised to accommodate vessels and outboard motors so the form can be used for **all** units. You will be notified when the revised form is available.

To Obtain Forms

Dealers and lienholders may order most forms by calling **toll-free (800) 887-3994**. Requests for forms will be reviewed and filled daily.

ATTACHMENT A



MISSOURI DEPARTMENT OF REVENUE
MOTOR VEHICLE BUREAU

SECURE POWER OF ATTORNEY

FORM
5086
(REV. 11-2005)

A Secure Power of Attorney may only be used with a conforming title if: 1) The **purchaser** is signing on behalf of the seller on the **first** assignment, and the **seller** is signing on behalf of the purchaser on the **second** assignment if Section B of the form is completed, and 2) The conforming title is a **duplicate** or the conforming title is being **held by the lienholder**.

PART A — POWER OF ATTORNEY TO DISCLOSE MILEAGE/TRANSFER OWNERSHIP

VEHICLE IDENTIFICATION NUMBER	YEAR	MAKE
TITLE NUMBER	MODEL	BODY STYLE

FEDERAL LAW REQUIRES THAT YOU STATE THE MILEAGE UPON TRANSFER OF OWNERSHIP PROVIDING A FALSE STATEMENT MAY RESULT IN FINES AND/OR IMPRISONMENT.

I appoint _____ as my attorney-in-fact, to apply for a duplicate title if needed, and to sign the title on the above referenced vehicle for the purpose of transferring ownership and to disclose the mileage on the title for the vehicle described above exactly as stated in my following disclosure. I state that the odometer now reads as indicated below and to the best of my knowledge that it reflects the actual mileage unless one of the following statements is checked.

ODOMETER READING (NO TENTHS)	<input type="checkbox"/> THE MILEAGE STATED IS IN EXCESS OF MECHANICAL LIMITS. <input type="checkbox"/> THE ODOMETER READING IS NOT THE ACTUAL MILEAGE. REASON REQUIRED: _____
---------------------------------	--

ALL SELLERS MUST SIGN AND HAND PRINT THEIR NAMES IN THE SPACE PROVIDED. DATE OF STATEMENT _____

SELLER'S SIGNATURE	SELLER'S HAND PRINTED NAME
STREET ADDRESS	CITY, STATE, ZIP CODE

IF MULTIPLE PURCHASERS ARE INVOLVED, ONLY **ONE PURCHASER** IS REQUIRED TO SIGN THE FORM AND HAND PRINT HIS/HER NAME.

PURCHASER'S SIGNATURE	PURCHASER'S HAND PRINTED NAME
STREET ADDRESS	CITY, STATE, ZIP CODE

Anytime a Secure Power of Attorney is used, the Missouri purchasing dealer must either: 1) Apply for title in the dealership's name, submitting the brown copy of the Secure Power of Attorney with their application for title; or 2) Give the subsequent purchaser the brown copy of the Secure Power of Attorney which must then accompany the certificate of title. (The dealer may avoid retitling the vehicle by submitting the blue copy of this power of attorney form and a copy of the front and back of the corresponding Certificate of Title to the Motor Vehicle Bureau with the dealer's monthly sales reports.) If you have any questions, please call (573) 751-4509. If the dealer's monthly sales reports are filed electronically, the power of attorney forms and title copies must be submitted to the Motor Vehicle Bureau by the fifteenth day of the month following the month in which the sales occurred.

To be completed only when the dealership is selling the vehicle before the title is received.

Federal and state laws require you to state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I _____, appoint _____ as my attorney-in-fact, to sign the mileage disclosure on the title for the vehicle described above only if the disclosure is exactly as the disclosure completed below.

PURCHASER'S SIGNATURE (NEW BUYER)	DATE	PURCHASER'S HAND PRINTED NAME (NEW BUYER)
PURCHASER'S STREET ADDRESS (NEW BUYER)		PURCHASER'S CITY, STATE, ZIP CODE (NEW BUYER)

I _____, state that the odometer reads _____ (no tenths) miles and, to the best of my knowledge, that it reflects the actual mileage unless one of the following statements is checked.

☐ 1. The mileage stated is in excess of its mechanical limits. ☐ 2. The odometer reading is NOT the actual mileage — WARNING Odometer Discrepancy

SELLER'S (DEALERSHIP'S AGENT) SIGNATURE	DATE	SELLER'S (DEALERSHIP'S AGENT) HAND PRINTED NAME AS SHOWN IN PART A ABOVE
SELLER'S (DEALERSHIP'S) STREET ADDRESS		SELLER'S (DEALERSHIP'S) CITY, STATE, ZIP CODE

CERTIFICATION (To be completed ONLY after Part A and Part B have been completed.)

I, _____, hereby certify that the mileage I have disclosed on the title document is consistent with that provided to me in the above power of attorney. Further, upon examination of the title and any reassignment documents for the vehicle described above, the mileage disclosure I have made on the title pursuant to the power of attorney is greater than that previously stated on the title and reassignment documents. This certification is not intended to create, nor does it create any new or additional liability under Federal or State Law.

SIGNATURE OF PERSON IN PART C EXERCISING POWER OF ATTORNEY	DEALERSHIP'S STREET ADDRESS	DEALERSHIP'S CITY, STATE, ZIP CODE
--	-----------------------------	------------------------------------

WEB SITE ADDRESS: www.dor.mo.gov/mvdl

MO 860-3059 (11-2005)

DISTRIBUTION: BROWN — ATTACH TO CERTIFICATE OF TITLE; BLUE — ATTACH TO DEALER'S MONTHLY SALES REPORT
PHOTOCOPY — RETAIN FOR DEALER'S RECORDS

PART A:
Replaces
DOR-3020S.

**PARTS B
AND C:**
Can only be
used by a
dealer when
the seller's
title has
been lost,
stolen,
mutilated, or
destroyed.